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10/658,799	09/10/2003	Seong-Jin Moon	1101.0109	1813

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EXAMINER

TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
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2481

NOTIFICATION DATE	DELIVERY MODE
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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/658,799	Applicant(s) MOON ET AL.	
	Examiner GELEK W. TOPGYAL	Art Unit 2481	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5 and 42-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 42-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/10/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/21/11, 6/21/11</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 5/20/11 have been fully considered but they are not persuasive.
2. In re page 7-8, the applicants request the opportunity to address the ODP rejections when the issues with prior art rejections are resolved. Unfortunately, the ODP rejections have to be maintained until a Terminal Disclaimer is filed, as such the ODP rejections are made below.
3. In re page 8-10, the applicants present the citations from the previous office action and from the prior art of Okada and in doing so presents the argument that the limitation of "navigation data which is used to select the reproduction information" is not met by the "menu.xml"/"selectTitle function". The arguments further state that the claimed "navigation data" of Okada, i.e. the selectTitle function, is not used to select the "TIMEMAP" of Okada.
4. In response, the examiner respectfully disagrees. Firstly, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the "navigation data" is used in "selecting such reproduction information?") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Presently, the navigation data is only used to "control reproduction of a corresponding reproduction information unit", which

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by in itself is includes "information indicating a reproduction interval of a corresponding clip", not to the already recited limitation of "timemap".

Assuming arguendo that the "navigation data" was directly used to "control reproduction of timemap" data, the following explanation is made. The claimed limitation of "navigation data" is not literally met by the actual selectTitle function, much rather the source code within "menu.xml", which was cited as teaching the "executable program". Without the code stored within the menu.xml, and with a selection of a particular title from when the menu is displayed for selection to a user, the selectTitle function can not be performed. Furthermore, as seen in Fig. 17, with the use of the "menu.xml" file, a title is selectable by a user. Further, as seen in Fig. 18, within "CHAPTER_LIST", it is taught that specific "Stream*.mpg" files are stored within the title.xml, which in turn references the "TIMEMAP" stored within the stream.xml linked to the stream*.mpg files (see Fig. 19). Therefore, menu.xml includes for navigation data that allows for the selection/control-reproduction of a title, which in turn uses the Timemap data stored within xml file used for the reproduction of the selected title.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct

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from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 42 and 44-45 of copending Application No. 10/658,799, hereinafter #799 in view of Okada (US 2002/0194618) (hereinafter "Okada"). Although the conflicting claims are not identical, they are not patentably distinct from each other because

7. **Regarding claim 42** of the instant application:

Claim 42 of 10/658,799	Claim 5 of 12/170,942
A reproducing apparatus for	A reproducing apparatus for

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reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	reproducing data from a data storage medium, comprising: a reader configured to read from the data storage medium: a first file including one or more clips, each of the clips comprising audio visual stream data
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a reproduction position of the audio visual stream data corresponding to the reproduction time	a time map including: information on reproduction time when the audio visual stream data is reproduced and information on a reproduction position of the audio visual stream data corresponding to the reproduction time
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a corresponding clip	a second file including one or more reproduction information units for reproducing audio visual stream data, each of the reproduction information units including information indicating a reproduction interval of each of the clips;
an executable program including navigation data including one or more commands, each of the commands being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program, wherein the first file, the second file and the executable program third are recorded separately on the optical data storage medium.	a controller configured to reproduce the audio visual stream data from the data storage medium based on the first file, the second file, and the third file, wherein the first file, the second file, and the third file are recorded separately on the data storage medium.
wherein each of the commands comprises further commands	

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configured to change an execution order of the commands	
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It should be noted that the table above distinguishes the equivalent limitations as recited claim 42 of the instant application in comparison to the limitations as recited in claim 5 of #942.

However, claim 5 of #942 fails to teach an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the "selectTitle" function exists for all the

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various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1" vs. a selection of "Title 2", the execution order of the commands associated with each Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to include an executable program to include commands to control and change the execution order of the as taught by Okada into claim 5 of #942 because said incorporation allows for the benefit of accurately performing playback of the stream at a given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as discussed in claim 42 of the instant application above and furthermore, Okada teaches the claimed wherein the audio visual stream data is video object data, still image data, or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as "stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as discussed above is incorporated herein.

Claims 44 and 45 of the instant application corresponds to claims 7 and 8 of #942.

Regarding claim 46 of the instant application, Okada teaches the claimed wherein the "selectTitle" function is due to a result of a user selecting a particular title for playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

Medium claims 1, 2 and 4-5 of the instant application are rejected for the same reasons as discussed above in apparatus claims 42-45 of the instant application, respectively.

Medium claim 47 is rejected for the same reasons as discussed in claim 42 of the instant application above.

8. **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-4 of copending Application No. 12/170,911 (hereinafter #911) in view of Okada et al. (US 2002/0194618) (hereinafter "Okada").

9. **Regarding claim 42** of the instant application:

Claim 42 of 10/658,799	Claim 1 of 12/170,911
A reproducing apparatus for reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	A method for reproducing data from a data storage medium, comprising: reading a first file comprising reproduction information for reproducing audio visual stream data from the data storage medium
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a reproduction position of the audio visual stream data corresponding to the reproduction time	
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a corresponding clip	a second file comprising navigation data which is used to select the reproduction information from the data storage medium, the reproduction information comprising information indicating a reproduction interval of the audio visual stream data
an executable program including navigation data including one or more commands, each of the commands	

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being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program, wherein the first file, the second file and the executable program third are recorded separately on the optical data storage medium.	reproducing the audio visual stream data from the data storage medium based on the first file and the second file, wherein the first file and the second file are recorded separately on the data storage medium
wherein each of the commands comprises further commands configured to change an execution order of the commands	

It should be noted that the table above distinguishes the equivalent limitations as recited claim 42 of the instant application in comparison to the limitations as recited in claim 1 of #911. Furthermore, it is also noted that the method of reproducing in claim 1 of #911 can be performed by the reproducing apparatus of claim 42 of the instant application.

However, claim 1 of #911 fails to teach a time map comprising information on reproduction time when the audio visual stream data is reproduced and information on a reproduction position of the audio visual stream data corresponding to the reproduction time; an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches a time map comprising information on reproduction time when the audio visual stream data is reproduced (met by “stream.xml” in Fig. 19 and paragraphs 250-272 and the “stream*.mpg” in paragraphs 153-154, 252-254. The “stream.xml” further includes “TIMEMAP” information as discussed in paragraphs 266-272”) and information on a reproduction position of the audio visual stream data corresponding to the reproduction time (Paragraphs 267-272 teaches that the “stream.xml” further includes “ENTRY” data that includes time information and address information used during playback to find the respective reproduction positions); an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of “selectTitle function is called” when a particular title from the Menu is selected. The “selectTitle function” thus causes the “getTitle” function of the “Package instance” which calls the “play” function of the “Title Instance”. Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the “selectTitle” function exists for all the various titles stored upon an optical disc (see Fig. 31). Based on a selection of “Title 1” vs. a selection of “Title 2”, the execution order of the commands associated with each Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to include a TIMEMAP comprising information on reproducing time and the position corresponding to the reproduction time and to include an executable program to include commands to control and change the execution order of the as taught by Okada into claim 1 of #911 because said incorporation allows for the benefit of accurately performing playback of the stream at a given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as discussed in claim 42 of the instant application above and furthermore, Okada teaches the claimed wherein the audio visual stream data is video object data, still image data, or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as "stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as discussed above is incorporated herein.

Claims 44 and 45 of the instant application corresponds to claims 3 and 4 of #911.

Regarding claim 46 of the instant application, Okada teaches the claimed wherein the "selectTitle" function is due to a result of a user selecting a particular title for playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

Medium claims 1, 2 and 4-5 of the instant application are rejected for the same reasons as discussed above in apparatus claims 42-45 of the instant application, respectively.

Medium claim 47 is rejected for the same reasons as discussed in claim 42 of the instant application above.

10. **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 5 of copending Application No. 12/170,992, hereinafter #992 in view of Okada (US 2002/0194618) (hereinafter "Okada"). Although the conflicting claims are not identical, they are not patentably distinct from each other because

11. **Regarding claim 42** of the instant application:

Claim 42 of 10/658,799	Claims 1 and 5 of 12/170,992
A reproducing apparatus for reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	A method for reproducing data from a data storage medium, comprising: reading using a reproducing apparatus: one or more clips, each of the clips including comprising audio visual stream data and time map information
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a reproduction position of the audio visual stream data corresponding to the reproduction time	the time map information including reproduction time information regarding a reproduction time when the audio visual stream data is reproduced and reproduction position information regarding a reproduction position of the audio visual stream data that corresponds to the reproduction time
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a	at least one first reproduction information indicating reproduction intervals within each of the clips; second reproduction information including and indicating the first reproduction information, and title information indicating and enabling selection of second reproduction

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corresponding clip	information;
an executable program including navigation data including one or more commands, each of the commands being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program, wherein the first file, the second file and the executable program third are recorded separately on the optical data storage medium.	reproducing, using the reproducing apparatus, the audio visual stream data from the data storage medium based on the clip, the first reproduction information, the second reproduction information, and the title information, wherein a first file that includes the clips, a second file that includes the first reproduction information and the second reproduction information, and a third file that includes the title information are recorded separately on the data storage medium.
wherein each of the commands comprises further commands configured to change an execution order of the commands	

However, claims 1 and 5 of #992 fails to teach an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337

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and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the "selectTitle" function exists for all the various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1" vs. a selection of "Title 2", the execution order of the commands associated with each Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to include a TIMEMAP comprising information on reproducing time and the position corresponding to the reproduction time and to include an executable program to include commands to control and change the execution order of the as taught by Okada into claims 1 and 5 of #992 because said incorporation allows for the benefit of accurately performing playback of the stream at a given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as discussed in claim 42 of the instant application above and furthermore, Okada teaches the claimed wherein the audio visual stream data is video object data, still image data,

or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as "stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as discussed above is incorporated herein.

Claims 44 and 45 of the instant application, claim 5 of #992 recites " wherein a first file comprising at least one clip, a second file comprising the first reproduction information and the second reproduction information, and a third file comprising the title information are recorded separately on the data storage medium" which are equivalent to claims 44 and 45 of the instant application.

Medium claims 1, 2 and 4-5 of the instant application are rejected for the same reasons as discussed above in apparatus claims 42-45 of the instant application, respectively.

Regarding claim 46 of the instant application, Okada teaches the claimed wherein the "selectTitle" function is due to a result of a user selecting a particular title for playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

Medium claim 47 is rejected for the same reasons as discussed in claim 42 of the instant application above.

12. **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6 and 10 of copending Application No. 12/170,975, hereinafter #975 in view of Okada (US 2002/0194618) (hereinafter "Okada"). Although the conflicting claims are not identical, they are not patentably distinct from each other because

13. **Regarding claim 42** of the instant application:

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Claim 42 of 10/658,799	Claims 6 and 10 of 12/170,975
A reproducing apparatus for reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	A reproducing apparatus for reproducing data from a data storage medium, comprising: a reader configured to read: one or more clips, each of the clips comprising: audio visual stream data; and
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a reproduction position of the audio visual stream data corresponding to the reproduction time	time map information, comprising: reproduction time information regarding a reproduction time when the audio visual stream data is reproduced; and reproduction position information regarding a reproduction position of the audio visual stream data that corresponds to the reproduction time;
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a corresponding clip	first reproduction information indicating reproduction intervals within each of the clips; second reproduction information comprising and indicating the first reproduction information; and title information indicating and enabling selection of the second reproduction information ; at least one second reproduction information comprising at least one first reproduction information
an executable program including navigation data including one or more commands, each of the commands being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program, wherein the first file, the second file and the executable program third are	a controller which reproduces the audio visual stream data from the data storage medium based on the clips, the first reproduction information, the second reproduction information, and the title information, a first file comprising one or more clips; a second file comprising the first reproduction information and the second

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recorded separately on the optical data storage medium.	reproduction information, and a third file comprising the title information, wherein the first file, the second file and the third file are recorded separately on the data storage medium
wherein each of the commands comprises further commands configured to change an execution order of the commands	

However, claims 6 and 10 of #975 fails to teach an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the "selectTitle" function exists for all the

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various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1" vs. a selection of "Title 2", the execution order of the commands associated with each Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to include a TIMEMAP comprising information on reproducing time and the position corresponding to the reproduction time and to include an executable program to include commands to control and change the execution order of the as taught by Okada into claims 6 and 10 of #975 because said incorporation allows for the benefit of accurately performing playback of the stream at a given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as discussed in claim 42 of the instant application above and furthermore, Okada teaches the claimed wherein the audio visual stream data is video object data, still image data, or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as "stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as discussed above is incorporated herein.

Claims 44 and 45 of the instant application, claim 10 of #975 recites "wherein a first file comprising at least one clip, a second file comprising the first reproduction information and the second reproduction information, and a third file comprising the title information are recorded separately on the data storage medium" which are equivalent to claims 44 and 45 of the instant application.

Medium claims 1, 2 and 4-5 of the instant application are rejected for the same reasons as discussed above in apparatus claims 42-45 of the instant application, respectively.

Regarding claim 46 of the instant application, Okada teaches the claimed wherein the “selectTitle” function is due to a result of a user selecting a particular title for playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

Medium claim 47 is rejected for the same reasons as discussed in claim 42 of the instant application above.

14. **Claims 1-2, 4-5, and 42-47** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 3-4 of copending Application No. 12/170,964, hereinafter #964 in view of Okada (US 2002/0194618) (hereinafter “Okada”). Although the conflicting claims are not identical, they are not patentably distinct from each other because

15. **Regarding claim 42** of the instant application:

Claim 42 of 10/658,799	Claim 1 of 12/170,964
A reproducing apparatus for reproducing data from an optical data storage medium, comprising: a reader configured to read from the optical data storage medium: a first file including one or more clips, each of the clips including: audio visual stream data; and	A method for reproducing data from a data storage medium, comprising: reading a first file including one or more clips using a reproducing apparatus, each of the clips including audio visual stream data and
a time map, including: reproduction time information on a reproduction time when the audio visual stream data is reproduced; and reproduction position information on a	a time map, the time map including information on reproduction time when the audio visual stream data is reproduced and information on a reproduction position of the audio visual

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reproduction position of the audio visual stream data corresponding to the reproduction time	stream data corresponding to the reproduction time;
a second file including one or more reproduction information units, each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a corresponding clip	reading a second file disposed separately from the first file on the data storage medium using the reproducing apparatus, the second file including reproduction information for reproducing audio visual stream data, the reproduction information including information indicating a reproduction interval of the one or more clips, and
an executable program including navigation data including one or more commands, each of the commands being configured to control reproduction of a corresponding reproduction information unit	
a controller configured to reproduce the audio visual stream data from the optical data storage medium based on the first file, the second file, and the executable program, wherein the first file, the second file and the executable program third are recorded separately on the optical data storage medium.	reproducing the audio visual stream data from the data storage medium based on the first file, the second file, and the third file, wherein the first file, the second file, and the third file are recorded separately on the data storage medium.
wherein each of the commands comprises further commands configured to change an execution order of the commands	

It should be noted that the table above distinguishes the equivalent limitations as recited claim 42 of the instant application in comparison to the limitations as recited in claim 1 of #964.

However, claim 1 of #964 fails to teach an executable program comprising navigation data including comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit and wherein the plurality of commands comprises commands configured to change an execution order of the commands.

In an analogous art, Okada teaches an executable program comprising navigation data comprising at least one command, each command controlling reproduction of a corresponding reproduction information unit; and (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314)); and wherein the plurality of commands comprises commands configured to change an execution order of the commands (as discussed above, the number of commands, for at least the "selectTitle" function exists for all the various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1" vs. a selection of "Title 2", the execution order of the commands associated with each Title is changed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to include an executable program to

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include commands to control and change the execution order of the as taught by Okada into claim 1 of #964 because said incorporation allows for the benefit of accurately performing playback of the stream at a given particular time (Okada: paragraph 268).

Claim 43 of the instant application is rejected for the same reasons as discussed in claim 42 of the instant application above and furthermore, Okada teaches the claimed wherein the audio visual stream data is video object data, still image data, or audio data (Fig. 14 and 15, teaches of AV Data or Still images stored as "stream*.mpg", "titlemenu.jpg", "chaptermenu*.jpg", etc). The prior motivation as discussed above is incorporated herein.

Claims 44 and 45 of the instant application corresponds to claims 3 and 4, respectively of #964.

Medium claims 1, 2 and 4-5 of the instant application are rejected for the same reasons as discussed above in apparatus claims 42-45 of the instant application, respectively.

Regarding claim 46 of the instant application, Okada teaches the claimed wherein the "selectTitle" function is due to a result of a user selecting a particular title for playback (see Fig. 31). The prior motivation as discussed above is incorporated herein.

Medium claim 47 is rejected for the same reasons as discussed in claim 42 of the instant application above.

16. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. **Claims 1, 2, 4-5 and 42-47** are rejected under 35 U.S.C. 102(e) as being anticipated by Okada et al. (US 2002/0194618) hereinafter "Okada".

Regarding claims 1, 42 and 47, Okada teaches a reproducing apparatus (paragraph 294) for reproducing data from a data storage medium (paragraphs 150-155 teaches storing/recording e-package data (meeting claimed multimedia data) to an "optical disc" (meeting claimed "storage medium"), comprising:

a reader configured to read from the optical data storage medium (paragraph 295 teaches a CPU 103 which controls the apparatus, includes operations to read data from the optical disc):

a first file (The examiner's interprets the claimed "first file" as a set of at least one or more files that is stored on a particular storage medium. This interpretation is also commensurate with the discussion in the interview dated 11/18/2010 in the parent application 10/658,799 ('799 application) wherein the applicants referred to the term "first file" as a combination of "file1.mpg" and "file1timemap.dat" in Fig. 14 of the '799 application) including one or more clips, each of the clips including:

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audio visual stream data(paragraph 153-154, 252-254 and Fig. 15 and 19 teaches of a directory on the storage medium, wherein the "audio visual stream data" comprised in a "clip" is met by "stream*.mpg" files. The "stream*.mpg" files are read upon playback); and

a time map , including:

reproduction time information on a reproduction time when the audio visual stream data is reproduced (met by "TIMEMAP" information stored within "stream.xml" in Fig. 19 and paragraphs 250-272 and the "stream*.mpg" in paragraphs 153-154, 252-254. The "stream.xml" further includes "ENTRY" information as discussed in paragraphs 266-272 that teaches "time information" of when the stream*.mpg files are reproduced"); and

reproduction position information on a reproduction position of the audio visual stream data corresponding to the reproduction time (Paragraphs 267-272 teaches that the "ENTRY" data further includes address information used during playback to find the respective reproduction positions);

a second file including one or more reproduction information units (The examiner's interprets the claimed "second file" as a set of at least one or more files that is stored on a particular storage medium. As such, the claimed second file is met by the "Title.xml" file of Okada), each of the reproduction information units being configured to reproduce the audio visual stream data, each reproduction information unit including information indicating a reproduction interval of a corresponding clip (paragraphs 200-216 teaches of "LINK_LIST", "CHAPTER_LIST" and "BRANCH" information stored

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within the "Title.xml" file. The Chapter and Branch data includes reproduction information indicating intervals of reproduction ("start time (in)" and "end time (out)"); and

an executable program (The examiner's interprets the claimed "executable program" as a set of at least one or more files that is stored on a particular storage medium. As such, the claimed executable program is met by the "Menu.xml" file of Okada, see paragraphs 335-337 and 374-378) including navigation data including one or more commands, each of the commands being configured to control reproduction of a corresponding reproduction information unit (paragraphs 335-337 and 374-378 teaches an instant of control data in the form of "selectTitle function is called" when a particular title from the Menu is selected. The "selectTitle function" thus causes the "getTitle" function of the "Package instance" which calls the "play" function of the "Title Instance". Thus when a menu is displayed (by running menu.xml file) and a title is selected, the title.xml file is run to playback the selected title. The stream.mpg file and stream.xml file corresponding to the title is therefore selected for playback (specifically paragraph 314. The menu.xml stores the codes, thus stores the navigation data (commands), that allows for the selection of a particular title (and the related audio video stream data, the related TIMEMAP data), without the menu.xml data, playback of a particular title (as discussed) will not be possible).

a controller (paragraph 295 teaches a CPU 103 which controls the apparatus) which reproduces the audio visual stream data from the data storage medium based on

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the first file, the second file, and the executable program (as discussed wherein the menu.xml, title.xml and the stream*.mpg and stream.xml files are used for playback),

wherein the first file, the second file, and the executable program are recorded separately on the data storage medium (see Fig. 15 and 19 wherein the "stream*.mpg", "stream.xml", "title.xml", "menu.xml" are store separately on the medium);

As to claim 47, Okada teaches the claimed wherein each of the commands comprises further commands configured to change an execution order of the commands (as discussed above, the number of commands, for the code stored within menu.xml allowing for the function of selecting titles exists for all the various titles stored upon an optical disc (see Fig. 31). Based on a selection of "Title 1" vs. a selection of "Title 2", the execution order of the commands associated with each Title is changed).

Regarding claims 2 and 43, Okada teaches the claimed wherein the audio visual stream data is video object data, still image data or audio data (See Fig. 15 for various files).

Regarding claims 4-5 and 44-45, Okada teaches the claimed wherein a first layer of the optical data storage medium to which each of the reproduction information units is distinguishable, logically and physically, from a second layer of the optical data storage medium, to which the reproduction information belongs to, and the second layer is distinguishable, logically and physically, from a second layer to which the navigation data belongs (see Fig. 15 and 19 wherein the "stream*.mpg", "stream.xml", "title.xml", "menu.xml" are store separately on the medium. As discussed in the claim 1 above, the "menu.xml" is the first file that is called during reproduction, which in turn calls a

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"title.xml" when a particular title is selected by the (paragraph 374-378), which in turn calls the "stream.xml" files (paragraph 314), which in turn calls the "stream*.mpg" files for playback. Therefore, the claimed "first layer" is met by the "stream*.mpg" and "stream.xml" file and the "second layer" is met by the "title.xml" and the "third layer" is met by the "menu.xml" file. Therefore, the "second layer" and "third layer" are an upper layer of the "first layer" because of the logical processing order in which the "title.xml" and the "menu.xml" files calls on the "stream.xml" and "stream*.mpg" files).

Claim 46 is rejected for the same discussion in claim 42 above, wherein the "selectTitle" function is due to a result of a user selecting a particular title for playback (see Fig. 31).

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK W. TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GELEK W TOPGYAL/
Examiner, Art Unit 2481
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2481